

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:) Examiner: Elda Milef
)
Portillo et al.) Art Unit: 3628
)
Application No. 09/604,525) Confirmation No.: 4943
)
Filed: June 27, 2000) Atty Docket 10722-31970
)

For: **METHOD FOR FACILITATING PAYMENT OF A COMPUTERIZED TRANSACTION**

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or filed via facsimile at 571 272 8300 or filed via EFS-Web, on September 7, 2007.

By: 
John R. Harris

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF (37 CFR 41.37)

Sir:

This is in response to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed August 13, 2007. Pursuant to MPEP § 1205.03, please replace Section V, "Summary of Claimed Subject Matter," of the (Second) Appeal Brief Pursuant to 37 C.F.R. § 41.37 filed July 16, 2007, with a new Summary.

This submission contains the following separate sections that start on a separate sheet:

Replacement Section V begins on page 2 of this paper.

Remarks begin on page 9 of this paper.

Replacement Section V:

Please replace Section V, "Summary of Claimed Subject Matter," on page 4 of the (Second) Appeal Brief with the following new Section V:

V. SUMMARY OF CLAIMED SUBJECT MATTER (AMENDED)

Pursuant to 37 C.F.R. § 41.37(c)(1)(v), the following is a concise explanation of the claimed subject matter as set forth in each of the independent claims 16, 42, 68, 92, 116, and 138, with reference to the specification by page and line number, and to the drawing, if any, by reference characters, in the originally filed Application No. 09/604,525 (hereinafter "Application").

The present invention(s) generally relate to methods and systems for facilitating payment of a computerized transaction (Application, FIG. 1). The method and system enable a buyer 30 to select an electronic payment method for a purchase from a merchant or seller 34 and obtain confirmation information for the transaction, including a unique confirmation or transaction number, from a computer of an independent third party money transfer system 42. (Application, FIG. 1; page 10, lines 6–19). The method and system further enable the buyer 30 to make an actual payment at a payment location 48 of the money transfer system 42 using the unique confirmation number previously generated. Upon receipt of the funds, the money transfer system 42 notifies the seller 34 that the payment was received and completes the transaction by making payment to the seller. (Application, page 8, lines 13–20; page 16, lines 9–19).

One important aspect of the claimed subject matter is not the nature of a payment in an electronic commercial transaction – whether cash or other form of payment – but rather the receipt of "an actual payment for the transaction at one of a plurality of payment locations accessible to the buyer." (Application, page 8, lines 9–10)(emphasis supplied). "The actual payment is preferably a cash payment, although payment could also be in the form of a check, money order, credit card, or the like." (Id., lines 10–12). "Upon receiving the payment from the buyer at one of the payment locations, the seller is notified over the Internet that the actual payment for the transaction was received at a payment location, and the seller can then ship the purchased items to the buyer." (Id., lines 13–16).

Independent claim 16 and its associated dependent claims are directed, among other things, to aspects of a method for effecting a payment from a buyer 30 to a seller 34 in connection with an electronic transaction utilizing a money transfer system 42, with method steps particularly applicable to the money transfer system 42. The claimed method includes the steps of assigning a unique transaction number to a payment request (FIG. 3, step 130), communicating information from the money transfer system to the seller computer for displaying at least a grand total amount and the unique transaction number to the buyer computer system (FIG. 3, step 134), and in response to receipt at the money transfer system 42 of information from a payment location local computer at a payment location associated with the money transfer system that payment in the amount of the grand total amount has been received at the payment location, communicating a message to the seller computer system that payment has been actually made at a payment location. (Application, page 25, lines 4–18; FIG. 10, operation 282; FIG. 11A; FIG. 14, 15). The transaction is thereafter completed by making payment via the money transfer system to the seller. (Application, page 27, line 17 – page 28, line 4).

Independent claim 42 and its associated dependent claims are directed, among other things, to aspects of a system for effecting a payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, with operations particularly applicable to the money transfer system. Claim 42 is a system counterpart to method claim 16 and is supported by similar references in the application specification.

In particular, claim 42 is directed, among other things, to aspects of an online commerce system having various payment system components including a money transfer system 42 operative for effecting a payment from a buyer 30 to a seller 34 in connection with an electronic transaction. (Application, page 9, lines 12–14; FIG. 1). The online commerce system further includes a plurality of payment locations 48 with payment location local computers (Application, page 11, lines 14–23; page 12, lines 7–11; FIG. 1), a network 36 for connecting a buyer computer 32 and a seller computer 34, and a communication link for connecting the money transfer system via a payment gateway 50 to the seller computer. (Application, page 12, line 12 – page 13, line 7).

The money transfer system 42 generates and assigns a unique transaction number to a payment request that is in connection with a buyer transaction. (Application, page 10, lines 6–9, FIG. 1; FIG. 3, step 130; Application, page 14, line 23 – page 15, line 5).

The money transfer system 42 is also operative for determining a preliminary total amount required from the buyer. (“Charges relating to the transaction,” Application, page 14, lines 2–4; FIG. 2; “total” field 186 in FIG. 6B).

Additionally, the money transfer system 42 is operative to communicate transaction information to the seller computer for displaying at least a grand total amount and a unique transaction number to the buyer computer system. (Grand total includes “processing fee”, Application, page 14, lines 9–12; line 21 - page 15, line 9; FIG. 3, step 134; FIG. 2, steps 108, 116, 120; “grand total” field 204 displayed to a buyer is shown in FIG. 6B).

Also, the money transfer system 42 is operative to receive confirmation that payment in the grand total amount has been received from the buyer at the payment location. (Application, page 16, lines 9–15; FIG. 3, operation 144). Further, the money transfer system is operative to communicate a message to the seller computer system that a payment has been actually made at a payment location and to effect completion of the transaction by making payment to the seller. (Application, page 16, lines 16–22; FIG. 2, steps 146, 150; page 27, lines 17–28).

Independent claim 68 and its associated dependent claims are directed, among other things, to a method for effecting a payment from a buyer to a seller in connection with an electronic transaction. As in claims 16 and 42, claim 68 relates to an independent money transfer system 42 that includes a plurality of physical payment locations 48 (FIG. 1), and that generates a unique transaction number associated with the particular transaction. Additionally the money transfer system generates a required payment amount in the buyer's local currency based on a buyer's local exchange rate. (Application, page 11, lines 4–13; page 16, line 23 – page 17, line 5; page 19, lines 6 – page 20, line 2; FIG. 6B, 6C, 6D; FIG. 9, step 246; FIG. 11B, 11C). The buyer then physically goes to a payment location, provides the unique transaction number associated with the transaction, and makes the required payment to the money transfer system operator at the payment location in the buyer's local currency. The money transfer system then notifies the seller that the required payment has been made by the buyer.

Independent claim 92 and its associated dependent claims are directed, among other things, to aspects of a system for effecting a payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, with operations particularly applicable to the money transfer system, and also involving the payment amount in a buyer's local currency. Claim 92 is a system counterpart to method claim 68 and is supported by similar references in the application specification.

In particular, claim 92 is directed, among other things, to aspects of an online commerce system for effecting a payment from a buyer 30 to a seller 34 in connection with an electronic transaction. The online commerce system comprises various system components having a money transfer system 42, a plurality of payment locations 48 with payment location local computers (Application, page 11, lines 14-23; page 12, lines 7-11; FIG. 1), and a network 36 for connecting a buyer computer and a seller computer. (Application, page 9, lines 1-5).

The money transfer system 42 is operative for receiving an electronic payment request and assigning a unique transaction number to the payment request. (Application, page 10, lines 6-9; FIG. 1; FIG. 3, step 130; Application, page 14, line 23 - page 15, line 5). Additionally, the money transfer system is operative to associate a buyer local exchange rate for the preliminary total amount based upon the buyer's information, and further, the money transfer system is operative to generate a required grand total amount expressed in the local currency of the buyer. (Application, page 11, lines 4-13; Application, page 16, line 23 - page 17, line 5; Application, page 19, line 6 - page 20, line 2; FIG. 6B, 6C, 6D; FIG. 9, step 246; FIG. 11B, 11C).

After the required grand total amount due from the buyer is determined, the money transfer system 42 communicates transaction information to the seller computer system for displaying the required amount, the transaction number, and the payment instructions to the buyer computer system. (FIG. 3, step 134; FIG. 6B, 6C, 6D). In response to receipt of information that the required payment has been received at a payment location, the money transfer system 42 communicates a message to the seller computer system that the required payment has been made by the buyer and effects completion of the transaction by making payment to the seller. (Application, page 16, lines 16-22; FIG. 2, steps 146, 150; page 26, lines 20-23; page 27, lines 17-28; FIG. 9, steps 256, 260).

Independent claim 116 and its associated dependent claims are directed, among other things, to a method for effecting a payment from a buyer to a seller in connection with an electronic transaction. As in claims 16 and 42, claim 116 relates to an independent money transfer system 42 that includes a plurality of physical payment locations 48 (FIG. 1) and that generates a unique transaction number associated with the particular transaction, and as in claims 68 and 92, wherein the payment amount is in the buyer's local currency.

Claim 116 also includes the step of storing a unique payment request record comprising the grand total amount and the unique transaction number in a staging area 44 associated with the money transfer system 42, where in response to receipt of the unique transaction number for a payment location local computer, the payment request record associated with the unique transaction number is retrieved from the staging area. (Application, page 9, lines 15-23; page 10, line 22 – page 11, line 3; FIG. 1).

Claim 116 also includes the steps of, in response to tender of payment in the grand total amount by the buyer at the payment location, communicating a “payment made” message (step 252, FIG. 9) from the payment location local computer to the money transfer system, and in response to receipt of the “payment made” message from the payment location local computer, communicating a message step 256, FIG. 9) from the money transfer system to the seller computer system that payment has been actually made at a payment location. (Application, page 24, lines 9-13; FIG. 9; page 26, lines 16-23 – page 27, line 9; FIG. 10).

Independent claim 138 and its associated dependent claims are directed, among other things, to aspects of a system for effecting a payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, with operations particularly applicable to the money transfer system, and also involving the payment amount in a buyer's local currency, with the dual messaging operations of the “payment made” message to the money transfer system and then to the seller. Claim 138 is a system counterpart to method claim 116 and is supported by similar references in the application specification.

In particular, independent claim 138 is directed, among other things, to aspects of an online commerce system having various payment system components for effecting a payment from a buyer 30 to a seller 34 in connection with an electronic transaction. The online commerce system comprises a network-accessible buyer computer 32, a seller computer 34, and a money

transfer system 42 electrically connected with at least one or more remote payment locations 48 having a payment location local computer. The online commerce system further includes one or more communication links via payment gateway 50 for communication between the seller computer 34 and the money transfer system 42 and for communication between the money transfer system and the payment locations 48. (Application, page 9, lines 1-5; page 11, lines 14-23; page 12, lines 1-7; page 13, lines 1-7; FIG. 1; FIG. 14; FIG. 15).

As in claims 42 and 92, claim 138 relates to the operations of the independent money transfer system 42 that generates and assigns a unique transaction number to the payment request wherein the required grand total amount is generated in the buyer's local currency based upon the buyer's information. (Application, page 11, lines 4-13: grand total includes "processing fee", page 14, lines 9-12; line 21 - page 15, line 9; page 16, line 23 – page 17, line 5; page 19, line 6 – page 20, line 2; FIG. 2, steps 108, 116, 120; FIG. 3, step 134; "grand total" field 204 displayed to a buyer is shown in FIG. 6B).

After the required grand total amount due from the buyer is determined, the money transfer system 42 communicates payment instruction information (FIG. 6B, 6C, 6D) that comprises the grand total amount and the transaction number to the seller computer system for displaying payment instructions to the buyer computer system. (Application, page 14, lines 14 – 20; page 19, lines 12-17; FIG.3 operation 134).

Further still, the money transfer system is operative for storing a unique payment request record comprising the grand total amount and the unique transaction record in a staging area 44 (FIG. 1) associated with the money transfer system 42, wherein the payment request record associated with the unique transaction number is retrieved from the staging area in response to receipt of the unique transaction number from a payment location local computer. (Application, page 9, lines 15-23 "electronic payment request"; page 10, line 22 – page 11, line 3 "record of transaction"; page 25, line 4 – page 26, line 15; FIG.1).

Further, the money transfer system 42 is operative to communicate information associated with the payment request record to the payment location for collecting the grand total amount from the buyer. (See same citations as previous paragraph). Additionally, the money transfer system 42 is operative to receive a "payment made" message (FIG. 9, step 252 "payment confirmation) from the payment location local computer in response to tender of payment in the

grand total amount by the buyer at the payment location, and in response to receipt of the "payment made" message from the payment location local computer, the money transfer system is operative to communicate a message (FIG. 9, step 256) to the seller computer system that payment has been actually made at a payment location. (Application, page 24, lines 9-13; FIG. 9; page 26, line 16 - page 27, line 9; FIG. 9, 10).

Remarks:

The Notification of Non-Compliant Appeal Brief mailed on August 13, 2007 indicated that the Appeal Brief filed July 16, 2007, was not compliant with 37 CFR 41.37 because it failed to refer to the specification by page and line number for independent claims 42, 92, and 138.

Although the undersigned is fully aware of the requirement in 37 CFR 41.37 for a summary that refers to the specification in such manner, it is believed that the Appeal Brief was fully compliant because of the statement(s) in the summary with respect to such independent claims 42, 92, and 138 that such claims were system counterparts of method claims 16, 68, and 116, and were supported by the same citations in the specification as the counterpart method claims, for which there was no objection.

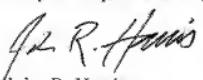
Notwithstanding such belief, a new Section V, Summary of Claimed Subject Matter, is submitted herewith, in more detailed form with specific reference to the specification by page and line number, and the drawings, of all independent claims including claims 42, 92, and 138.

In accordance with MPEP § 1205.03, only a new summary of the claimed subject matter is being provided: "(B) When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice." MPEP § 1205.03.

This paper is intended to be in compliance with this provision of the MPEP.

If there are any other issues that can be resolved by telephone, please contact the undersigned at 404-233-7000.

Respectfully submitted,


John R. Harris
Reg. No. 30,388
Attorney for Applicants

Date: September 7, 2007

MORRIS, MANNING & MARTIN, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, GA 30326
(404) 233-7000